

Subchapter Seventeen: Colma Disaster Council

1.17.010 Purposes.

The purposes of this ordinance are to provide for the preparation and implementation of plans for providing materials and services within the Town in the event of an emergency, to empower certain Town officials to promulgate orders and regulations necessary to provide for the protection of life and property or to preserve public order and safety, and to provide for the coordination of the emergency services functions of the Town with all other public agencies, corporations, organizations, and affected private persons.

[History: formerly § 2.301; ORD. 296, 4/11/84; ORD. 638, 12/14/05; ORD. 659, 6/13/07]

1.17.020 Emergency Definition.

(a) As used in this ordinance, a "local emergency" or "emergency" means the actual or threatened existence of an event or condition that requires immediate action to prevent or mitigate the loss or impairment of life, health, property or essential public services, which is, or is likely to be, beyond the control of the services, personnel, equipment, and facilities of the Town.

(b) An emergency includes, but is not limited to air pollution, civil disturbance, drought, earthquake, epidemic, fire, flood, hazardous materials exposure, plant or animal infestation or disease, riot, storm, sudden and severe energy shortage, transportation accident, terrorist activity, tsunami, volcano eruption, and war.

[History: formerly § 2.301; ORD. 296, 4/11/84; ORD. 638, 12/14/05; ORD. 659, 6/13/07]

1.17.030 Proclamation of Local Emergency.

(a) A local emergency may be proclaimed by the City Council or, if the City Council cannot be convened into session, by the Director of Emergency Services. If the Director of Emergency Services proclaims a local emergency, the proclamation shall expire unless ratified by the City Council within seven days.

(b) At least every fourteen days, the City Council must review the conditions of the local emergency and, in order to continue the local emergency, ratify the continuing existence of the local emergency.

[History: formerly § 2.301; ORD. 296, 4/11/84; ORD. 638, 12/14/05; ORD. 659, 6/13/07]

1.17.040 Director of Emergency Services; Order of Succession.

(a) There is hereby created the office of Director of Emergency Services. The City Manager shall be Director of emergency services.

(b) The City Manager shall designate the order of succession to the office of Director of Emergency Services to take effect in the event that the Director is unavailable or unable to take appropriate action pursuant to the provisions of this chapter. As used in this ordinance, the term "Director" means the Director or any person duly acting in the unavailability or inability of the Director.

[History: formerly § 2.304; ORD. 296, 4/11/84; ORD. 638, 12/14/05; ORD. 659, 6/13/07]

1.17.050 Duties of the Director of Emergency Services.

(a) It shall be the duty of the Director of Emergency Services, and the Director of Emergency Services is hereby empowered to:

- (1) Develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances, resolutions, rules and regulations as are necessary to implement such plans and agreements, and to perform such other functions as may be designated in the Emergency Plan.
- (2) Request the City Council to proclaim the existence or threatened existence of a local emergency, and the termination thereof, if the City Council is in session, or to issue such proclamations if the City Council is not in session.
- (3) Request the Mayor to request that the Governor proclaim a state of emergency when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency.
- (4) Control and direct the efforts of the emergency organization of the Town to accomplish the purposes of this ordinance.
- (5) Direct cooperation between, and coordination of, services and staff of the emergency organization of the Town, and resolve questions of authority and responsibility that may arise.
- (6) Represent the Emergency Organization of the Town in all dealings with public or private agencies pertaining to emergencies as defined in this chapter.
- (7) Prepare and maintain, on a current basis, the Emergency Plan as provided, and described in this chapter, and submit the plan to the City Council for approval.
- (8) Designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the City Council and specified in the Emergency Plan.

[History: formerly 2.306; ORD. 296, 4/11/84; ORD. 638, 12/14/05; ORD. 659, 6/13/07]

1.17.060 Emergency Powers of the Director.

(a) In the event of the proclamation of a local emergency or the proclamation of a state of emergency by the President, Governor, or State Director of Office of Emergency Services, the Director is empowered, to do each of the following:

- (1) Make, issue, and enforce rules, orders or regulations reasonably related to the protection of life and/or property, or the preservation of public order and safety, including but not limited to any one or more of the following:
 - (A) An order imposing a curfew within the entire Town, or designated boundaries, which shall prohibit the presence of any person on any public highway, sidewalk or place, and may prohibit presence in any outdoor place, public or private;
 - (B) An order prohibiting access to, travel along, or egress from any public or private street, highway or road within the Town;
 - (C) An order prohibiting or restricting the sale of alcoholic beverages in or from any business in all or a portion of the Town.
- (2) Obtain and requisition vital services, supplies, materials, equipment and such other properties as are found lacking and needed for the protection of the life and property of the people, bind the Town to pay fair market value for the goods and services, and if required immediately, to commandeer the same for public use;
- (3) Order any Town officer or employee to perform emergency services;
- (4) Command, in the event of the proclamation of extreme emergency by the Governor for the region in which the Town is located, the aid of as many citizens of this community as the Governor deems necessary in the execution of these duties; and
- (5) Exercise all ordinary powers of the City Manager, as well as all special powers conferred upon the City Manager by this chapter, by any provision of state or local law, by any agreement approved by the City Council, by the Emergency Plan then in effect, or special power vested in Town by any other lawful authority.

[History: formerly 2.306; ORD. 296, 4/11/84; ORD. 638, 12/14/05; ORD. 659, 6/13/07]

1.17.070 Requirements Pertaining to Emergency Regulations

(a) All rules, orders and regulations made and issued pursuant to this ordinance, and any amendment or rescission thereof, shall be in writing and given widespread publicity and notice as follows:

- (1) By posting on the three official bulletin boards of the Town;
- (2) By posting in a conspicuous place near the Town limits at each public street into the Town of Colma, including B Street, F Street, Clark Avenue, Hillside Boulevard, El Camino Real, Old Mission Road, Junipero Serra Boulevard, Lawndale Boulevard and Serramonte Boulevard;
- (3) In the case of any curfew order, by public announcement system using police vehicles, mobile trucks or other vehicles; and
- (4) By such other means determined by the Director.

(b) Rules, orders and regulations issued pursuant to this chapter shall remain in effect for the period specified in the declaration of emergency, but no rule, order or regulation shall remain in effect for more than seven (7) days unless confirmed and ratified by the City Council. Prior to confirmation and ratification, the Director shall provide the City Council with the written emergency proclamation, all other related documents, and a report explaining the facts and circumstances which prompted the emergency proclamation and issuance of emergency rules, orders and regulations.

[History: formerly 2.306; ORD. 296, 4/11/84; ORD. 638, 12/14/05; ORD. 659, 6/13/07]

1.17.080 Emergency Organization.

All officers and employees of the Town, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may, by agreement or operation of law, including persons impressed into service under the provisions of Section 1.17.080(a)(3) of this ordinance, be charged with duties incident to the protection of life and property in the Town during such emergency, shall constitute the Emergency Organization of the Town of Colma.

[History: formerly § 2.307; ORD. 296, 4/11/84; ORD. 638, 12/14/05; ORD. 659, 6/13/07]

1.17.090 Disaster Council Membership.

The Colma Disaster Council is hereby created and shall consist of the following:

- (a) The Director of Emergency Services, who shall be chairman;
- (b) Such other persons as may be appointed by the Director.

[History: formerly 2.306; ORD. 296, 4/11/84; ORD. 638, 12/14/05; ORD. 659, 6/13/07]

1.17.100 Disaster Council Powers and Duties.

(a) It shall be the duty of the Colma Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the chairman or, in his absence from the Town or inability to call such meeting, upon call of the vice chairman.

(b) The Disaster Council is hereby empowered to:

- (1) Develop plans for meeting any condition constituting a local emergency or state of emergency;
- (2) Recommend to the Director of Emergency Services the emergency organization rules and regulations for dealing with local emergencies that can be adequately dealt with locally;
- (3) Act to carry out mutual aid on a voluntary basis; and
- (4) Supervise and register volunteers.

[History: formerly 2.306; ORD. 296, 4/11/84; ORD. 638, 12/14/05; ORD. 659, 6/13/07]

1.17.110 Expenditures.

Any expenditure made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the Town of Colma.

[History: ORD. 659, 6/13/07]

[See, CMC § 1.06.060 for emergency spending authority of the City Manager.]

1.17.120 Violation.

(a) It shall be unlawful for any person, during an emergency, to:

- (1) Willfully obstruct, hinder, or delay any member of the Emergency Organization in the enforcement of any lawful order, rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance.
- (2) Do any act forbidden by any lawful rule or regulation issued pursuant to this ordinance, if such act is of such a nature as to give or be likely to give assistance

to the enemy or to imperil the lives or property of inhabitants of the Town, or to prevent, hinder, or delay the defense or protection of lives or property of inhabitants of the Town.

- (3) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State of California, or the Town of Colma.

(b) Each violation of this ordinance is a misdemeanor, punishable as set forth in subchapter 1.05 of the Colma Municipal Code. A violation also constitutes a public nuisance, which may be abated in accordance with the provisions of subchapter 1.11 of the Colma Municipal Code.

[History: ORD. 659, 6/13/07]

1.17.130 Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this sub-chapter. The City Council hereby declares that it would have passed the ordinance as codified in this sub-chapter and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether a portion of the ordinance would be subsequently declared invalid or unconstitutional.

[History: Ord. 659, 6/13/07]